

# **EXHIBIT**

# **36**

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*Please reply to New Jersey Office*

November 14, 2007

**VIA FEDERAL EXPRESS**

All Parties on Attached Service List

Re: Travelers Casualty and Surety Co. as Administrator for  
Reliance Insurance Co. vs. Dormitory Authority - State of New York, et al.  
United States District Court, Southern District of New York  
Case No. 07-CV-6915

Dear Sirs/Madams:

Our firm represents the Fourth-Party Plaintiffs, Travelers Casualty and Surety Company (“Travelers”) and Trataros Construction, Inc. (“Trataros”) in the above-captioned litigation, arising from a construction project known as Baruch College, Site B, located in the County and State of New York (the “Baruch Project”). Enclosed please find copies of the following documents:

- 1.) Waiver of Service of Fourth-Party Summons (two copies);
- 2.) Fourth-Party Summons for respective party;
- 3.) Fourth-Party Complaint;
- 4.) Rule 7.1 Disclosure Statement for Fourth-Party Plaintiffs;
- 5.) Notice of Reassignment to the Honorable Denise L. Cote, U.S.D.J.;
- 6.) Notice of Initial Pretrial Conference;
- 7.) October 4, 2007 letter, endorsed by the Court, adjourning Initial Pretrial Conference until November 30, 2007;
- 8.) Notice of Motion, endorsed by the Court, admitting JoAnne M. Bonacci pro hac vice;
- 9.) Complaint and Jury Demand;
- 10.) Answer of DASNY and TDX with Affirmative Defenses, Counterclaims, and Cross-Claims;

- 11.) Plaintiff's Answer to Counterclaims Asserted by Dormitory Authority – State of N.Y.;
- 12.) Third-Party Complaint;
- 13.) Answer to Third-Party Complaint;
- 14.) Rule 7.1 Disclosure Statement of TDX Construction Corp.;
- 15.) Judge Cote's Individual Court Rules;
- 16.) 3<sup>rd</sup> Amended Instructions for Filing an Electronic Case or Appeal;
- 17.) Procedures for Electronic Case Filing; and
- 18.) Guidelines for Electronic Case Filing.

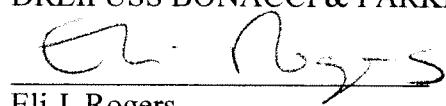
**Please note that the Initial Pre-Trial Conference is currently scheduled in this matter on Friday, November 30, 2007.** As you may recall, in the earlier action arising from these same claims (entitled Travelers Casualty and Surety Co. v. The Dormitory Auth. of the State of New York, and bearing Case No. 04-CV-5101), many of the fourth-party and third-party defendants objected to a perceived lack of opportunity to participate in the Initial Pretrial Conference. Concomitantly, many of the same parties objected to perceived stringencies in the discovery schedule set at the Initial Pretrial Conference. In that regard, we submit that as the impleaded fourth-party defendants will be "in on the ground floor" of the present proceedings, that they should avail themselves of the opportunity to provide input on the pre-trial schedule.

That being said, Travelers and Trataros respectfully request that you waive service of the Fourth-Party Summons and Fourth-Party Complaint. In that regard, we request that you execute the enclosed Waiver of Service of Fourth-Party Summons, and return the executed waiver to our firm in the post-paid envelope enclosed herewith. **Please be advised that if you refuse to waive service of process without good cause, you will be required to pay the costs incurred by Travelers and Trataros in effecting service, pursuant to Rule 4 of the Federal Rules of Civil Procedure.**

Please feel free to contact me at your convenience, if you wish to discuss this matter. Thank you for your attention to this matter.

Very truly yours,  
DREIFUSS BONACCI & PARKER, LLP

By:

  
Eli J. Rogers

EJR/jfb

Encl.

cc: Timothy B. Froessel, Esq. (via fax and regular mail) (without encl.)  
Louis Dennis, Esq. (via fax and regular mail) (without encl.)  
JoAnne M. Bonacci, Esq.